



General Assembly

January Session, 2007

Raised Bill No. 7152

LCO No. 4124

04124_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE RECORDING OF INSTRUMENTS BY
TOWN CLERKS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 52-380d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2007*):

4 (b) A release of a judgment lien on real property is sufficient if (1)
5 [it] the release specifies the names of the judgment creditor and
6 judgment debtor, the date of the lien, and the town and volume and
7 page where the judgment lien certificate is recorded, and (2) the
8 signature of the lienholder, attorney or personal representative is
9 acknowledged and witnessed in the same manner as a deed on real
10 property. The town clerk with whom the lien was recorded shall note
11 such release as by law provided and shall index the record of each
12 such release under the name of the judgment creditor and judgment
13 debtor, except that a manual notation of such release shall not be
14 required if such town clerk notes such release electronically by means
15 of a computerized notation that links such release to the recorded
16 judgment lien certificate.

17 Sec. 2. Section 7-24 of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective January 1, 2008*):

19 (a) Each town clerk who is charged with the custody of any public
20 record shall provide suitable books, files or systems, acceptable to the
21 Public Records Administrator, for the keeping of such records and
22 may purchase such stationery and other office supplies as are
23 necessary for the proper maintenance of [his] the town clerk's office.
24 Such books, files or systems, and such stationery and supplies shall be
25 paid for by the town, and the selectmen of the town, on presentation of
26 the bill for such books and supplies properly certified to by the town
27 clerk, shall draw their order on the treasurer in payment for the same.
28 [Every] Each person who has the custody of any public record books of
29 any town, city, borough or probate district shall, at the expense of such
30 town, city, borough or probate district, cause them to be properly and
31 substantially bound. [He] Such person shall have any such records
32 which have been left incomplete made up and completed from the
33 usual files and memoranda, so far as practicable. [He] Such person
34 shall cause fair and legible copies to be seasonably made of any
35 records which are worn, mutilated or becoming illegible, and shall
36 cause the originals to be repaired, rebound or renovated, or [he] such
37 person may cause any such records to be placed in the custody of the
38 Public Records Administrator, who may have them repaired,
39 renovated or rebound at the expense of the town, city, borough or
40 probate district to which they belong. Any custodian of public records
41 who so causes such records to be completed or copied shall attest them
42 and shall certify, under the seal of [his] such custodian's office, that
43 they have been made from such files and memoranda or are copies of
44 the original records. Such records and all copies of records made and
45 certified to as provided [for] in this section and on file in the office of
46 the legal custodian of such records shall have the force of the original
47 records. All work done under the authority of this section shall be paid
48 for by the town, city, borough or probate district responsible for the
49 safekeeping of such records, but in no case shall expenditures
50 exceeding three hundred dollars be made for repairs or copying

51 records in any one year in any town or any probate district comprising
52 one town only, unless the same are authorized by a vote of the town,
53 [nor] or in any probate district [composed of] comprising two or more
54 towns, unless the same are authorized by the first selectmen of all the
55 towns included in such district.

56 (b) There shall be kept in each town proper books, or in lieu thereof
57 a recording system approved by the Public Records Administrator, in
58 which all instruments required by law to be recorded shall be recorded
59 at length by the town clerk within thirty days from the time they are
60 left for record.

61 (c) The town clerk shall, on receipt of any instrument for record,
62 write thereon the day, month, year and time of day when [he] the town
63 clerk received it, and the record shall bear the same date and time of
64 day; but [he] the town clerk shall not be required to receive any
65 instrument for record unless the fee for recording it is paid to [him] the
66 town clerk in advance, except instruments received from the state or
67 any political subdivision thereof. [, and, when he] When the town clerk
68 has received [it] any instrument for record, [he] the town clerk shall
69 not deliver it up to the parties or either of them until it has been
70 recorded. When any town clerk has, upon receiving any instrument for
71 record, written thereon the time of day when [he] the town clerk
72 received it [as well as] and the day and year of such receipt, and when
73 any town clerk has noted with the record of any instrument the time of
74 day when [he] the town clerk received the record, such entries of the
75 time of day shall have the same effect as other entries that are required
76 by law to be made.

77 (d) Each town clerk shall also, within twenty-four hours of the
78 receipt for record of any such instrument, enter in chronological order
79 according to the time of its receipt as endorsed thereon, (1) the names
80 of sufficient parties thereto to enable reasonable identification of the
81 instrument, (2) the nature of the instrument, and (3) the time of its
82 receipt.

83 (e) If the town clerk receives an instrument for record which [in his
84 opinion he] the town clerk deems to be illegible, [he] the town clerk
85 shall record such instrument, write thereon that it is being recorded as
86 an illegible instrument and, if there is a return address appearing on
87 such illegible instrument, give notice to the return addressee that a
88 legible instrument should be submitted for rerecording forthwith. The
89 fact that the town clerk records the instrument as an illegible
90 instrument shall not affect its priority or validity.

91 (f) Each instrument for record shall have a blank margin, that shall
92 be not less than three-fourths of an inch in width, surrounding each
93 page of the instrument. Each such instrument that is to be recorded in
94 the land records shall have a return address and the name and address
95 of the preparer of the instrument appearing at the top of the front side
96 of the first page of the instrument. The town clerk shall not refuse to
97 receive an instrument for record that does not conform to any
98 requirement set forth in this subsection, and the fact that the town
99 clerk records an instrument that does not conform to any requirement
100 set forth in this subsection shall not affect its priority or validity.

101 Sec. 3. Section 7-29 of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective July 1, 2007*):

103 When any town clerk has recorded any instrument that the town
104 clerk knows to be a release, partial release or assignment of a mortgage
105 or lien recorded on the records of such town, the town clerk shall make
106 a notation on the first page where such mortgage or lien is recorded,
107 stating the book and page where such release, partial release or
108 assignment is recorded, except that a manual notation of such release,
109 partial release or assignment shall not be required if such town clerk
110 notes such release, partial release or assignment electronically by
111 means of a computerized notation that links such release, partial
112 release or assignment to the recorded mortgage or lien. [If the land
113 records are not maintained in a paper form, the town clerk shall make
114 the notation on the digitized image of the first page of such mortgage

115 or lien in a form or manner approved by the Public Records
116 Administrator.]

117 Sec. 4. Subsection (a) of section 7-34a of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective*
119 *January 1, 2008*):

120 (a) Town clerks shall receive, for recording any document, ten
121 dollars for the first page and five dollars for each subsequent page or
122 fractional part thereof, a page being not more than eight and one-half
123 by fourteen inches. Town clerks shall receive, for recording the
124 information contained in a certificate of registration for the practice of
125 any of the healing arts, five dollars. Town clerks shall receive, for
126 recording documents conforming to, or substantially similar to, section
127 47-36c, which are clearly entitled "statutory form" in the heading of
128 such documents, as follows: For the first page of a warranty deed, a
129 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten
130 dollars; for each additional page of such documents, five dollars; and
131 for each marginal notation of an assignment of mortgage, subsequent
132 to the first two assignments, one dollar. Town clerks shall receive, for
133 recording any document with respect to which certain data must be
134 submitted by each town clerk to the Secretary of the Office of Policy
135 and Management in accordance with section 10-261b, [the sum of] two
136 dollars in addition to the regular recording fee. Any person who offers
137 any written document for recording in the office of any town clerk,
138 which document fails to have legibly typed, printed or stamped
139 directly beneath the signatures the names of the persons who executed
140 such document, the names of any witnesses thereto and the name of
141 the officer before whom the same was acknowledged, shall pay one
142 dollar in addition to the regular recording fee. Town clerks shall
143 receive, for recording any deed, except a mortgage deed, conveying
144 title to real estate, which deed does not contain the current mailing
145 address of the grantee, [the sum of] five dollars in addition to the
146 regular recording fee. Town clerks shall receive, for filing any
147 document, five dollars; for receiving and keeping a survey or map,

148 legally filed in the town clerk's office, five dollars; and for indexing
 149 such survey or map, in accordance with section 7-32, five dollars,
 150 except with respect to indexing any such survey or map pertaining to a
 151 subdivision of land as defined in section 8-18, in which event town
 152 clerks shall receive fifteen dollars for each such indexing. Town clerks
 153 shall receive, for a copy of any document either recorded or filed in
 154 their offices, one dollar for each page or fractional part thereof, as the
 155 case may be; for certifying any copy of the same, one dollar; for
 156 making a copy of any survey or map, the actual cost thereof; and for
 157 certifying such copy of a survey or map, one dollar. Town clerks shall
 158 receive, for recording the commission and oath of a notary public, ten
 159 dollars; and for certifying under seal to the official character of a
 160 notary, two dollars. Town clerks shall receive, for recording any
 161 document that does not conform to any requirement set forth in
 162 subsection (f) of section 7-24, as amended by this act, ten dollars in
 163 addition to the regular recording fee.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	52-380d(b)
Sec. 2	<i>January 1, 2008</i>	7-24
Sec. 3	<i>July 1, 2007</i>	7-29
Sec. 4	<i>January 1, 2008</i>	7-34a(a)

Statement of Purpose:

To enable town clerks to utilize electronic notations in connection with the recording of releases and assignments of mortgages and liens, to establish certain format requirements applicable to instruments for record and to provide for an additional fee for the recording of instruments that do not conform to such format requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]